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FILED

MAR 10 2014

**SECRETARY, BOARD OF
OIL, GAS & MINING**

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

UTAH CHAPTER OF THE SIERRA CLUB,
et al,

Petitioners,

vs.

UTAH DIVISION OF OIL, GAS &
MINING,

Respondent,

ALTON COAL DEVELOPMENT, LLC and
KANE COUNTY, UTAH,

Respondent/Intervenors.

**RENEWED MOTION FOR LEAVE TO
CONDUCT DISCOVERY – AWARD OF
FEES AND COSTS**

Docket No. 2009-019

Cause No. C/025/005

Alton Coal Development, LLC (“**Alton**” or “**ACD**”) renews its Motion, dated October 15, 2013, before the Utah Board of Oil, Gas and Mining (“**Board**”), pursuant to Utah Code § 63G-4-205, Utah Admin. Code R641-105-300 and R641-108-900, for an Order allowing ACD to conduct discovery of Petitioners Utah Chapter of the Sierra Club, Natural Resources Defense

Council, Southern Utah Wilderness Alliance, and National Parks Conservation Association (collectively referred to herein as "Petitioners") specifically related to Alton's petition for an award of fees and costs in this matter. Alton has complied with the Board's Interim Order dated February 20, 2014 by filing its Fee Petition, including supporting exhibits, on March 5, 2014. Alton hereby requests that the Board enter an order authorizing ACD's discovery of the Petitioners in the matter, as prescribed by and in the manner set forth in the Utah Rules of Civil Procedure, and for the reasons set forth in ACD's Memorandum dated October 15, 2013 and its Reply Memorandum dated December 20, 2013. A Proposed Order authorizing such discovery is attached.

SUBMITTED this 10th day of March, 2014.



SNELL & WILMER, LLP

Denise A. Dragoo

James P. Allen

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Bennett E. Bayer (*Pro Hac Vice*)

Attorneys for Alton Coal Development, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2014, I e-mailed a true and correct PDF copy of the foregoing **RENEWED MOTION FOR LEAVE TO CONDUCT DISCOVERY – AWARD OF FEES AND COSTS** to the following:

Stephen Bloch, Esq. (steve@suwa.org)
Southern Utah Wilderness Alliance

Walton Morris, Esq. (wmorris@charlottesville.net)
Utah Chapter of the Sierra Club

Sharon Buccino, Esq. (sbuccino@nrdc.org)
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Kent Burggraaf, Esq. (kentb@kane.utah.gov)
Kane County Attorney

A handwritten signature in blue ink, appearing to read "Kent Burggraaf", is written over a horizontal line.

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

<p>UTAH CHAPTER OF THE SIERRA CLUB, et al,</p> <p style="text-align:right">Petitioners,</p> <p>vs.</p> <p>UTAH DIVISION OF OIL, GAS & MINING,</p> <p style="text-align:right">Respondent,</p> <p>ALTON COAL DEVELOPMENT, LLC and KANE COUNTY, UTAH,</p> <p style="text-align:right">Respondent/Intervenors.</p>	<p style="text-align:center">[PROPOSED]</p> <p style="text-align:center">ORDER GRANTING DISCOVERY</p> <p style="text-align:center">Docket No. 2009-019</p> <p style="text-align:center">Cause No. C/025/005</p>
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Pursuant to Utah Code § 63G-4-205, Utah Admin. Code R641-108-900, and for good cause shown, the Board of Oil, Gas & Mining (“Board”) hereby GRANTS THE MOTION of Alton Coal Development, LLC (“Alton”), for leave to conduct discovery in Alton’s proposed petition for an award of fees and costs in this matter. Alton is permitted to conduct the following discovery of the Petitioners according to the applicable Utah Rules of Civil Procedure.

1. Alton may take discovery of Petitioners in the manner authorized by the Utah Rules of Civil Procedure.
2. Alton will serve its Interrogatories and Request for Production of Documents on Petitioners within ten (10) days after issuance of this Order.

3. Petitioners will answer the Interrogatories and Request for Production of Documents within thirty (30) days from the date of service of the same.

4. Alton may take the oral depositions of Petitioners.

5. Alton may take the deposition of and obtain the production of documents from any other person identified during discovery.

6. Ten days after the issuance of this Order, Alton may begin to serve Notices of Deposition and any subpoena *duces tecum*.

7. Depositions are to be completed on or before ninety (90) days from the date of issuance of the Order.

8. The parties may by mutual agreement adjust any deadline or due date in this Order without Board approval.

SO ORDERED this _____ day of _____, 2014.

UTAH BOARD OF OIL, GAS & MINING

Ruland Gill, Jr., Chairman